



Frequently Asked Questions: Waivers

Last update: June 8, 2020

General waiver questions	1
Question: What is the difference between a waiver and a variance?	1
Question: How long is a waiver good for?	1
Question: Can any rule be waived?	1
Question: How do I petition the board for a waiver?	2
Question: Do I have to present my waiver request in person to the board?	2
Question: How long does it take to find out the status of my petition for waiver?	2
Question: What is the likelihood that my petition for waiver will be granted by the board?	2

General waiver questions

Question: What is the difference between a waiver and a variance?

Answer: A waiver is when the board determines that a rule does not need to be followed at all, but a variance is when the board allows for a modification to a rule. For example, if the board approved a waiver to a rule that requires a \$360 reactivation fee, it means the licensee is not required to pay the fee at all, but if the board approved a variance to the rule, it means the board approved the fee to be something other than \$360 but did not waive a fee completely.

Question: How long is a waiver good for?

Answer: The board determines during deliberation how long a rule should be waived for the unique situation. In general, the board does not approve waivers for longer than five years.

Question: Can any rule be waived?

Answer: Any rule can be considered for waiver by the board, unless the requirement of the rule is specifically identified in the Iowa Code.

Question: How do I petition the board for a waiver?

Answer: A petition for waiver must be submitted via the board's online [petition form](#). Upon submission, the petition is forwarded to the board's rules coordinator for initial review in advance of the board's review.

Question: Do I have to present my waiver request in person to the board?

Answer: Your presence (in person or by virtual attendance) is preferred, but not required. It is generally helpful for the board to have the petitioner present to answer any questions the board might have about the petition. If the board has questions and there is no representative available to answer questions, the general consensus is to delay consideration of the petition until the next regular meeting or to deny the petition entirely.

Question: How long does it take to find out the status of my petition for waiver?

Answer: A petition for waiver must be submitted via the board's online [petition form](#) at least two weeks before the next regularly scheduled open session board meeting. If the petition is complete, the board will review the petition at the board meeting. The board will deliberate the petition and usually vote at the conclusion of the deliberation, unless the board determines more information is needed in order to consider the petition. If the petitioner is present for the board meeting, they will learn the outcome immediately. The petitioner will be notified via email by the rules coordinator within 3 business days following the board meeting with the board's decision. The petitioner will also receive written notification of the board's decision within 10 business days following the decision.

Question: What is the likelihood that my petition for waiver will be granted by the board?

Answer: That cannot be determined. The board must have a completed petition to review and must consider the nature and reason for the rule, how the safety of the public will be protected if the rule is waived for the petitioner, and what harm it may cause other individuals as a result.